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MAY 28 2012
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Attorneys for Plaintiff

**SEALED BY ORDER
OF THE COURT**
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND BRANCH

UNITED STATES OF AMERICA,

Plaintiff,

v.

SYLVESTER MOORE,

Defendant.

No. CR 11-00905 SBA

STIPULATION AND ~~PROPOSED~~
ORDER TO SET STATUS
CONFERENCE ON AUGUST 10, 2012

(FILED UNDER SEAL)

The above-captioned matter was previously set on May 18, 2012 before District Court Judge Sandra B. Armstrong for a status conference. That date was vacated and the parties were instructed to set the matter before the Magistrate Court. The parties request that this Court set this matter for status conference on August 10, 2012 at 9:30 a.m., and that the Court exclude time under the Speedy Trial Act between May 18, 2012 and August 10, 2012. The parties stipulate that the time is excludable from the time limitations of the Speedy Trial Act because the interests of justice are served by granting a continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

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Such continuance is required because defense counsel leaves for an overseas business trip on May 23, 2012, has a state appellate argument on June 13, 2012, and has three trials scheduled through early July. Defendant's attorney also needs time to research legal and factual issues. This continuance will allow the reasonable time necessary for effective preparation and continuity of counsel, taking into account the exercise of due diligence.

As such, the parties respectfully request that the time between May 18, 2012 and August 10, 2012 be excluded under U.S.C. § 3161(h)(7)(A) and (B)(iv).

DATED: May 23, 2012

Respectfully submitted,

MELINDA HAAG
United States Attorney

/s/ Christina McCall
CHRISTINA McCALL
Assistant United States Attorney

/s/ Paul DeMeester
PAUL DeMEESTER
Attorney for Sylvester Moore

ORDER

Based on the reason provided in the stipulation of the parties above, the Court hereby FINDS that for adequate preparation of the case by all parties, and in the interest of justice, pursuant to 18 U.S.C. sections 3161(h)(7)(A) and (B)(iv), an exclusion of time is warranted under the Speedy Trial Act. Based on these findings, IT IS HEREBY ORDERED THAT the hearing is continued until August 10, 2012 at 9:30 a.m. before the Magistrate Court, and time is excluded until August 10, 2012.

IT IS SO ORDERED.

DATED: 5/25/12

Saundra B. Armstrong

SAUNDRA B. ARMSTRONG
United States District Court Judge

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